

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MICHAEL ALLEN KITCHEN,	:	Case No. 1:22-cv-500
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Matthew W. McFarland
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
LUCASVILLE CORRECTIONAL	:	
INSTITUTION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

This matter is before the Court upon Plaintiff’s “Full Discovery Request.” (Doc. #38). In the filing, Plaintiff requests “Full Discovery” and asks the Court to provide him with subpoenas for ten individuals. *Id.* at 160. Plaintiff also requests video footage and the investigator’s use-of-force report. *Id.* at 161.

To the extent that Plaintiff seeks to subpoena documents and evidence from non-parties, he must request a subpoena from the Clerk. *See* Fed. R. Civ. P. 45(a)(3) (“The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service.”). Plaintiff must complete the subpoena himself, as the Clerk is not required to complete it for him. *See Allen v. Mullins*, No. 13-2378-JDT-DKV, 2016 WL 1241544, at *4 (W.D. Tenn. Mar. 29, 2016). Once the subpoena is completed, if Plaintiff desires to have it served by the U.S. Marshal, he must return it to the Clerk along with a motion requesting service by the Marshal. *See* 28 U.S.C. § 1915(d) (Providing that for litigants who have been permitted to proceed *in forma pauperis*, “[t]he officers of the court shall issue and serve all process, and perform all duties in

such cases.”). Plaintiff did not submit the completed subpoena and motion requesting service by the Marshall. Accordingly, Plaintiff’s request for subpoenas (Doc. #38) is **DENIED**.

To the extent Plaintiff requests discovery from Defendant, Plaintiff must comply with the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 34 (requests for production of documents). Accordingly, Plaintiff’s request for “full discovery,” including video footage and the investigator’s use-of-force report, is **DENIED**. Discovery requests, absent circumstances not present here, must not be filed with the Court. *See* Fed. R. Civ. P. 5(d)(1)(A).

The undersigned notes that the discovery deadline was December 30, 2024. (Doc. #36).

IT IS SO ORDERED.

February 4, 2025

s/Peter B. Silvain, Jr.

PETER B. SILVAIN, JR.

UNITED STATES MAGISTRATE JUDGE